JEFFERSON COUNTY ZONING BOARD OF ADJUSTMENT

Janet Sayre Hoeft, Chair; Dale Weis, Vice-Chair; Don Carroll, Secretary; Paul Hynek, First Alternate; Lloyd Zastrow, Second Alternate

<u>PUBLIC HEARING</u> BEGINS AT **1:00 P.M.** ON APRIL 9, 2015 IN ROOM 205, JEFFERSON COUNTY COURTHOUSE

<u>CALL TO ORDER FOR BOARD MEMBERS</u> IS AT 9:45 A.M. IN COURTHOUSE ROOM 203, PRIOR TO THE HEARING

<u>SITE INSPECTION FOR BOARD MEMBERS</u> LEAVES AT 10:00 A.M. FROM COURTHOUSE ROOM 203, PRIOR TO THE HEARING

1. Call to Order-Room 203 at 9:45 a.m.

Meeting called to order @ 9:45 a.m. by Weis

2. Roll Call

Members present: Carroll, Weis, Zastrow

Members absent: Hoeft

Staff: Michelle Staff, Laurie Miller

3. Certification of Compliance with Open Meetings Law Requirements

Staff presented proof of publication.

4. Review of Agenda

Carroll made motion, seconded by Zastrow, motion carried 2-0 to approve the agenda.

5. Approval of March 12, 2015 Meeting Minutes

Carroll made motion, seconded by Weis, motion carried 2-0 to approve the March 12, 2015 meeting minutes.

NOTE: Zastrow was not present for the March 12, 2015 meeting, and therefore, did not vote.

6. Communications - None

7. Site Inspections – Beginning at 10:00 a.m. and Leaving from Room 203

V1450-15 – Fred & Mary Benkert, **N2730 Mehring Rd,** Town of Hebron

V1444-15 – Judy Leikness, **N2903 County Road J,** Town of Oakland

V1447-15 – Judy Leikness, N2903 County Road J, Town of Oakland

V1451-15 – Philip & Deanna Battist/Battist Farms Inc Property, **W9352**

County Road B, Town of Lake Mills

V1452-15 – Wes Tennyson/Wesley Tennyson & Steven Beilke Property,

W6394 County Road A, Town of Milford

8. Public Hearing – Beginning at 1:00 p.m. in Room 205

Meeting called to order @ 1:00 p.m. by Weis

Members present: Carroll, Weis, Zastrow

Members absent: Hoeft

Staff: Michelle Staff, Laurie Miller

9. Explanation of Process by Board of Adjustment Chair

The following was read into the record by Carroll:

NOTICE OF PUBLIC HEARING JEFFERSON COUNTY ZONING BOARD OF ADJUSTMENT

NOTICE IS HEREBY GIVEN that the Jefferson County Zoning Board of Adjustment will conduct a public hearing at 1:00 p.m. on Thursday, April 9, 2015 in Room 205 of the Jefferson County Courthouse, Jefferson, Wisconsin. Matters to be heard are applications for variance from terms of the Jefferson County Zoning Ordinance and Jefferson County Floodplain Ordinance. No variance may be granted which would have the effect of allowing in any district a use not permitted in that district. No variance may be granted which would have the effect of allowing a use of land or property which would violate state laws or administrative rules. Subject to the above limitations, variances may be granted where strict enforcement of the terms of the ordinance results in an unnecessary hardship and where a variance in the standards will allow the spirit of the ordinance to be observed, substantial justice to be accomplished and the public interest not violated. Based upon the findings of fact, the Board of Adjustment must conclude that: 1) Unnecessary hardship is present in that a literal enforcement of the terms of the ordinance would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome; 2) The hardship is due to unique physical limitations of the property rather than circumstances of the applicant; 3) The variance will not be contrary to the public interest as expressed by

the purpose and intent of the zoning ordinance. **PETITIONERS, OR THEIR REPRESENTATIVES, SHALL BE PRESENT.** There may be site inspections prior to public hearing which any interested parties may attend; decisions shall be rendered after public hearing on the following:

<u>V1444-15 – Judy Leikness:</u> Variance from Sec. 11.09(c) of the Jefferson County Zoning Ordinance to exceed 50% of the structural members and allow expansion of the footprint of the house at **N2903 County Road J** in the Town of Oakland. The property is on PIN 022-0613-3511-000 (0.25 Acre) and is zoned A-1, Exclusive Agricultural.

Randy Mayer presented the petition on behalf of Judy Leikness. He stated they would like to build over the top of the porch to the east. Unless he opened up all the walls, he does not know structurally the extent of work needing to be done. He explained the modifications to the house being proposed, and went on to explain the three criteria needed for variance.

There were no questions or comments in favor of the petition. Judy Bennett, the property owners to the north of this property, had concerns about the improvements and how close it was to the boundary line. She stated that she could not find the survey markers, and cannot tell where the property line is. Ms. Bennett also had concerns about the deck being proposed.

Weis commented on the survey and when it was done. Ms. Bennett again stated she had a concern about where the survey markers are. Mayer stated that there was one in the highway, and the survey noted the ROW. Weis asked the petitioner with the new trusses proposed, was the setback from the overhang. Mayer explained.

Staff report was given by Staff. She commented on the survey, and noted that a concerned property owner can hire their own surveyor. Staff explained non-conforming, and stated that if the work being done was <50%, a permit can be issued. If it is >50%, permits cannot be issued, and, therefore, it has to go before the board. She noted that the expansion was on the second story, there may be additional structural work, and they would be exceeding 50%. Staff also commented on the lean-to type structure, and asked the petitioner what was going to be done with it. Mayer explained they will be removing the trusses and changing the pitch, and then shingling. Staff questioned the foundation in that area. Petitioner explained. Staff noted that the only permit on file was for the septic. Weis questioned the petitioner on the use of that section of the home. Petitioner stated it was a bathroom and housed the utilities.

It was noted by Weis that there was a town response in the file.

There was also a note in the file from the Highway Department which was read by Weis which indicated they had no problem with the deck as long as it was parallel with the house and no closer to the roads.

<u>V1447-15 - Judy Leikness:</u> Variance from Sec. 11.07(d)2 of the Jefferson County Zoning Ordinance to construct a deck at less than the required right-of-way and centerline setbacks to CTH C. The site is at **N2903 County Road J** in the Town of Oakland on PIN 022-0613-3511-000 (0.25 Acre) in an A-1, Exclusive Agricultural zone.

Randy Mayer presented the petition. He asked for clarification on the Highway Department's response. Staff explained that the highway's response is a recommendation which the Board can take into consideration when making their decision.

Mayer explained the proposed deck and questioned if they could have a concrete stoop. He noted that the petitioner may be inclined to withdraw this request as long as they could have a concrete stoop. Carroll made comment on their being no intrusion. Staff stated they would be allowed reasonable access. Weis questioned the setbacks shown on the survey and the Highway Department's comments. There was a discussion between Weis and Staff on the setbacks.

There were no questions or comments in favor or opposition of the petition.

<u>V1450-15 – Fred & Mary Benkert:</u> Variance from Sec. 11.04(f)6. Minimum Yards of the Jefferson County Zoning Ordinance to sanction reduction of the minimum 20-foot setback required in an A-1 Exclusive Agricultural zone at **N2730 Mehring Road**. The site is on PIN 010-0615-3611-000 (40.65 Acres) in the Town of Hebron.

Fred Benkert presented his petition. He gave the background on the property, and note the building had previous variance approval. NRCS surveyed the property, and the building was placed off that survey. The new survey shows the building is over the east lot line. They have been to court on this issue, and the judge ordered the sale of 5' on the east side

There were no questions or comments in favor or opposition of the petition. Weis noted there were court documents and a survey in the file.

There was a town response in the file which was read into the record by Weis, which was denied. They felt the land owner had a responsibility to know where the property lines before erecting a building are and did not want to set a precedent.

Weis read a letter from Judge Hue into the record. Weis also noted there was a copy of the judgement in the file.

Carroll asked the petitioner who created this hardship. Petitioner stated it was his responsibility and that he should have had a survey done. Carroll noted the three criteria requirements.

Staff report was given by Staff. She explained the previous variance approval for the placement of the structure within the 100' strip of land. The property is in a NRCS Program who did a wetland delineation which portrayed the lot line in a different location. Staff went on to explain the wetlands on the property. She noted the permit was issued with a setback of 22' to the lot line. The survey submitted showed the building was over the lot line, and a violation letter was sent to the petitioner. Staff explained the court case and testimony given. She also explained the adjacent property and the conditional use requirements regarding manure management.

Weis questioned the placement of the structure in the 100' strip. The petitioner explained. Weis commented that it was close to 25' to 30' over the required setback. Weis questioned the road setback. Staff stated that was OK and further explained setbacks. Weis questioned the wetlands. Staff explained the wetland issue. There was a discussion on the NRCS wetland delineation. Zastrow questioned the 5' sale of land the court ordered. Petitioner stated yes, the survey is done and they now own it. Carroll commented on the NRCS survey/wetland delineation. Petitioner explained.

Roy Schmidt commented that NRCS created the hardship and laid out the lines, and some liability should go to who issued the permit. Staff commented the permit was issued based on the information provided. Weis asked staff for a copy of the NRCS survey/document.

There was a small break from this petition for Staff to get a copy of the NRCS information provided with the permit.***

<u>V1451-15 – Philip & Deanana Battist/Battist Farms Inc. Property:</u> Variance from Sec. 11.07(d) Highway Setback Requirements of the Jefferson County Zoning Ordinance to reduce the required setback from County Road B centerline and right-of-way, a Class C, Major Collector Highway, for a swimming pool at **W9352 County Road B** in the Town of Lake Mills. The site is on PIN 018-0713-0744-000 (36.616 Acres) in an A-1, Exclusive Agricultural zone.

Philip Battist presented the petition. Deanana Battist was also present. Mr. Battist explained the petition and its placement due to the septic location, cow pastures, safety concerns with the farm operation, and stray voltage problems.

There were no questions or comments in favor or opposition of the petition. Staff report was given by Staff. She noted the setback requirements and that the house was constructed in 1998. The property has approximately 110 acres.

There was a town response in the file approving the petition provided they follow all POWTS regulations, which was read into the record by Weis.

Carroll questioned if this was an above-ground pool. Mr. Battist stated that was correct.

***The Board picked up where they left off from the Benkert petition. Staff provided the Board with the NRCS information and permit issued. There was a discussion at the table with the Board and Staff regarding this information. There was a continued discussion with Weis and the petitioner regarding the NRCS map. Staff noted the size of the building was shown on the permit. Weis noted the square footage for the record.

V1452-15 – Wes Tennyson/Wesley Tennyson and Steven Beilke Property: Variance from Sec. 11.09 Nonconforming Uses, Structures and Lots of the Jefferson County Zoning Ordinance for a modification to the building at W6394 County Road A over 50% of its structural members. Variance from the Jefferson County Floodplain Ordinance, 14:3.0 – Floodway District, including but not limited to 14:3.3 Standards for Development in Floodway Areas (1) General and (2) Structures. This structure is on PIN 020-0714-0432-001 (0.41 Acre) in a Community zone in the Town of Milford.

Wes Tennyson presented his petition. He wants to remove the damaged cement block and replace the roof. He explained the three criteria that need to be met for variance approval.

There were no questions or comments in favor of the petition. Roy Schmidt, adjoining property owner, stated that he had no problem with the remodeling, but he would like a retaining wall built because of property movement.

Weis questioned how far this was off his property line. Staff noted there was a survey in the file showing where the floodplain lines are and setbacks. Schmidt presented an aerial photo and showed pictures to the Board at the table and explained. There was a discussion at that table with Schmidt and the Board regarding his request for a retaining wall.

Staff noted there was a survey in the file and was marked in a red line where the 100 year flood elevation. Weis noted that this ran through a portition of the building, and questioned the lower level of the structure. The petitioner explained it was just a basement/storage. Weiss questioned if there was a well. The petitioner stated there was no well, but that the water was obtained from the house across the street. Weis questioned the use of the structure. Tennyson stated it was unheated storage, and also noted that he would have no problem building a retaining wall. Weis questioned that 25% of the walls were being replaced. Tennyson states it would be at least that

much. There was a discussion with Weis and Tennyson regarding how much of the building was being repaired.

There was a response from the DNR in the file, opposing this petition request, which was read into the record by Weis. There was also a town response in the file granting this request and was read into the record by Weis.

Staff report was given by Staff. She stated that a portion of the building was in the floodway, and explained the Floodplain Ordinance requirements.

Weis questioned what would happen if this was not granted. Staff commented that the town has an issue with this property, but the county could let it remain as is. The petitioner responded to the DNR letter. Carroll commented on the requirements of floodway. Zastrow questioned the concerns from the town. Tennyson stated that they want it repaired. Staff commented that it is existing; however, once it's over 50%, it has to meet the ordinance requirements and noted that we have no proof of the structure being flood-proofed.

There was a break @ 1:30 p.m. Back in session for decisions @ 1:35 p.m.

10. Decisions on Above Petitions (See following pages & files)

11. Adjourn

Zastrow made motion, seconded by Weis, motion carried 3-0 to adjourn @ 3:47 p.m.

If you have questions regarding these variances, please contact the Zoning Department at 920-674-7113 or 920-674-8638. Variance files referenced on this hearing notice may be viewed in Courthouse Room 201 between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday, excluding holidays. Materials covering other agenda items can be found at www.jeffersoncountywi.gov.

The Board may discuss and/or take action on any item specifically listed on the agenda.

JEFFFERSON COUNTY ZONING BOARD OF ADJUSTMENT

Individuals requiring special accommodations for attendance at the meeting should contact the County Administrator at 920-674-7101 at least 24 hours prior to the meeting so appropriate arrangements can be made.

A digital recording of the meeting will be available in the Zoning Department upon request.

Secretary	Date

PETITION NO.: HEARING DATE:	<u>2015 V1444</u> 04-09-2015
APPLICANT:	Judy A. Leikness
PROPERTY OWNER:	SAME
PARCEL (PIN #):	022-0613-3511-000
TOWNSHIP:	Oakland
INTENT OF PETITION expansion of the house at	ER: To exceed 50% of the structural members and allow
expansion of the house at	N2903 CTH J.
THE APPLICANT REOL	JESTS A VARIANCE FROM SECTION 11.09(c)
-	OUNTY ZONING ORDINANCE.
Currently the residereplace any structural inadewould like to expand the structure of the does not meet rear setba	E PROPOSED CONSTRUCTION AND PROPERTY WHICH IT OR DENIAL OF THE VARIANCE APPLICATION ARE: ence is in disrepair and the petitioner would like to be able to equacies they find as they rebuild the structure. In addition, the econd story of the residence over other existing first floor loes not meet road setbacks from CTH J or CTH C. In addition, cks. A survey has not been completed for the property. Will there y find entire walls that aren't structurally sound, will they replace
FACTS OR OBSERVATION	ONS BASED ON SITE INSPECTIONS: Site inspections
	ed property layout & location.
FACTS PRESENTED AT	PUBLIC HEARING: See tape, minutes & file.

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BASE	D ON T	HE FINDIN	GS OF FACT, T	HE BOARD	CONCLUDES '	ГНАТ:
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PROF BECA expan	PERTY R. AUSE sion of th	ATHER TH it was subdiv e structure.	AN THE CIRC rided in an unus The lot is an un	UMSTANCES ual shape and usual size and	OF THE APPlexpansion. Coustain Services of the	LICANT inty Road C limits
EXPR BECA struct	RESSED F AUSE ure safer a	BY THE PUI There will be and complian	RPOSE AND IN e no further expa nt with building	NTENT OF Tansion of the stoodes. There	HE ZONING C ructure in the R will be no hazar	ORDINANCE OW. It makes the ds because it does
RIANC	E MAY E	BE GRANTE	ED IF ALL THE	ESE CONDIT	IONS ARE ME	<u>[*</u>
SION:	THE RE	QUESTED '	VARIANCE IS	GRANTED.		
ON:	Carroll		SECOND:	Zastrow	VOTE : 3-0	
OITION	NS OF AP	PROVAL/D	ENIAL:			
E D :		VICE-CH	IAIRPERSON		DATE:	04-09-2015
	NO VALLO SUBJ. WHE RESU STAN SUBS VIOL BASE UNN OF T. PREV PURI UNN for lat make THE PROI BECA expan reason THE EXPE BECA struct not re RIANO SION: ON:	NO VARIANCE ALLOWING AND VARIANCE ALLOWING AND SUBJECT TO TOWHERE STRICE RESULTS IN A STANDARDS WE SUBSTANTIAL VIOLATED. BASED ON THE UNNECESSAF OF THE TERM PREVENT THE PURPOSE OR UNNECESSAF for lateral expansion of the reasons. It's a second restrict visit on the restrict visit v	NO VARIANCE MAY BE OF ALLOWING A USE OF LA LAWS OR ADMINISTRATES UBJECT TO THE ABOVE WHERE STRICT ENFORCES OF THE ABOVE WHERE STRICT ENFORCES OF THE FINDIN UNNECESSARY HARDS FOR THE TERMS OF THE PREVENT THE OWNER PURPOSE OR WOULD REUNNECESSARILY BURD FOR Lateral expansion. It wou make it more useable to live the Wards of the structure. The property rather the BECAUSE it was subdivex pansion of the structure. The Variance will be structure safer and compliant not restrict visibility. RIANCE MAY BE GRANTES ON: Carroll OTHORS OF APPROVAL OF THE POWER ON: Carroll OTHORS OF APPROVAL OF THE POWER OF TH	NO VARIANCE MAY BE GRANTED WHALLOWING A USE OF LAND OR PROPELAWS OR ADMINISTRATIVE RULES: SUBJECT TO THE ABOVE LIMITATION WHERE STRICT ENFORCEMENT OF TRESULTS IN AN UNNECESSARY HARD STANDARDS WILL ALLOW THE SPIRIT SUBSTANTIAL JUSTICE TO BE ACCOMVIOLATED. BASED ON THE FINDINGS OF FACT, TO UNNECESSARY HARDSHIP IS PRESENT OF THE TERMS OF THE ZONING ORD PREVENT THE OWNER FROM USING PURPOSE OR WOULD RENDER CONFOUNNECESSARILY BURDENSOME BECTOR I Lateral expansion. It would be a hardship make it more useable to live in. THE HARDSHIP IS DUE TO UNIQUE PROPERTY RATHER THAN THE CIRC BECAUSE it was subdivided in an unus expansion of the structure. The lot is an un reasons. It's a small lot size that does not all the VARIANCE WILL NOT BE CONTREXPRESSED BY THE PURPOSE AND IN BECAUSE There will be no further expansion trestrict visibility. RIANCE MAY BE GRANTED IF ALL THE SION: THE REQUESTED VARIANCE IS CONTREXPRESSED BY THE PURPOSE AND IN BECAUSE There will be no further expansion trestrict visibility.	NO VARIANCE MAY BE GRANTED WHICH WOULD ALLOWING A USE OF LAND OR PROPERTY WHICH LAWS OR ADMINISTRATIVE RULES: SUBJECT TO THE ABOVE LIMITATIONS, VARIANCE WHERE STRICT ENFORCEMENT OF THE TERMS OF RESULTS IN AN UNNECESSARY HARDSHIP & WHE STANDARDS WILL ALLOW THE SPIRIT OF THE OR SUBSTANTIAL JUSTICE TO BE ACCOMPLISHED, & VIOLATED. BASED ON THE FINDINGS OF FACT, THE BOARD OF THE TERMS OF THE ZONING ORDINANCE WOULD RENDER CONFORMITY WITH UNNECESSARY HARDSHIP IS PRESENT IN THAT OF THE TERMS OF THE ZONING ORDINANCE WOULD RENDER CONFORMITY WITH UNNECESSARILY BURDENSOME BECAUSE they for lateral expansion. It would be a hardship to not be able make it more useable to live in. THE HARDSHIP IS DUE TO UNIQUE PHYSICAL LIMPROPERTY RATHER THAN THE CIRCUMSTANCES BECAUSE it was subdivided in an unusual shape and expansion of the structure. The lot is an unusual size and reasons. It's a small lot size that does not allow for other a the substitution of the structure of the structure expansion of the structure safer and compliant with building codes. There not restrict visibility. RIANCE MAY BE GRANTED IF ALL THESE CONDITIONS THE REQUESTED VARIANCE IS GRANTED. ON: Carroll SECOND: Zastrow	SUBJECT TO THE ABOVE LIMITATIONS, VARIANCES MAY BE GEWHERE STRICT ENFORCEMENT OF THE TERMS OF THE ORDINANCE TO RESULTS IN AN UNNECESSARY HARDSHIP & WHERE A VARIAN STANDARDS WILL ALLOW THE SPIRIT OF THE ORDINANCE TO SUBSTANTIAL JUSTICE TO BE ACCOMPLISHED, & THE PUBLIC VIOLATED. BASED ON THE FINDINGS OF FACT, THE BOARD CONCLUDES ON THE TERMS OF THE ZONING ORDINANCE WOULD UNREAST OF THE TERMS OF THE ZONING ORDINANCE WOULD UNREAST UNNECESSARY HARDSHIP IS PRESENT IN THAT A LITERAL ENDER OF THE OWNER FROM USING THE PROPERTY FOR A PEPURPOSE OR WOULD RENDER CONFORMITY WITH SUCH REST UNNECESSARILY BURDENSOME BECAUSE the shape of the lot of for lateral expansion. It would be a hardship to not be able to remodel the make it more useable to live in. THE HARDSHIP IS DUE TO UNIQUE PHYSICAL LIMITATIONS OF PROPERTY RATHER THAN THE CIRCUMSTANCES OF THE APPIBECAUSE it was subdivided in an unusual shape and expansion. Couexpansion of the structure. The lot is an unusual size and shaped parcel for reasons. It's a small lot size that does not allow for other additions. THE VARIANCE WILL NOT BE CONTRARY TO THE PUBLIC INTO EXPRESSED BY THE PURPOSE AND INTENT OF THE ZONING OF BECAUSE free will be no further expansion of the structure in the R structure safer and compliant with building codes. There will be no hazard not restrict visibility. RIANCE MAY BE GRANTED IF ALL THESE CONDITIONS ARE METON. Carroll SECOND: Zastrow VOTE: 3-0 DITIONS OF APPROVAL/DENIAL:

PETITION NO.: HEARING DATE:	2015 V1447 04-09-2015	
APPLICANT:	Judy A. Leikness	
PROPERTY OWNER:	SAME	
PARCEL (PIN #):	022-0613-3511-000	
TOWNSHIP:	Oakland	
	NER:To construct a deck at less than the requisetbacks to CTH C	red right-of-
JEFFERSON COUNTY 2	UESTS A VARIANCE FROM SECTION <u>11.07(</u> ZONING ORDINANCE. HE PROPOSED CONSTRUCTION AND PROPE	,
RELATE TO THE GRAN	NT OR DENIAL OF THE VARIANCE APPLICA's sking for a deck closer to the road than the existing	TION ARE:
the site plan, there are no	setbacks listed from either the right-of-way or center	erline. The
required setback is 50 feet	from the right-of-way and 110 feet from the centerly	ine.
		_
FACTS OR OBSERVATION	ONS BASED ON SITE INSPECTIONS: Site in	spections
conducted. Observ	ved property layout & location.	
FACTS PRESENTED AT	Γ PUBLIC HEARING: See tape, minutes &	file.

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В.		OR PROPERT	Y WHICH WO	ULD VIOLATE S		OF ALLOWING A
C.	STRICT ENFOR UNNECESSARY THE SPIRIT OF	CEMENT OF HARDSHIP THE ORDIN	F THE TERMS & WHERE A V VANCE TO BE	VARIANCES MAY OF THE ORDIN ARIANCE IN TH OBSERVED, SUI ST NOT VIOLAT	IANCE RESUL IE STANDARI BSTANTIAL JU	TS IN AN OS WILL ALLOW
	BASED ON THI	E FINDINGS	OF FACT, THE	BOARD CONCI	LUDES THAT:	
1.	TERMS OF THI OWNER FROM RENDER CONI BECAUSE	E ZONING O USING THE FORMITY WI it would be a h s reasonable.	RDINANCE W PROPERTY FO TH SUCH RES ardship not to h	OULD UNREASC OR A PERMITTE TRICTIONS UNI ave an entry/acces	DNABLY PREV D PURPOSE C NECESSARILY ss to the house.	
	Carroll w	vas opposed be	cause he felt the	t it would be an in	trusion into the	ROW
	There ar	e other options	for a doorway.	t it would be all ill	trusion into the	NOW.
2.	RATHER THAN	THE CIRCU	MSTANCES O queness of the lo		NT BECAUSE	PROPERTY the setbacks are hway configurations
	Carroll w	as opposed be	cause the deck	can be placed on th	ne property out	of the ROW
3.	THE VARIANCE	E <mark>WILL NOT</mark> OSE AND INT	BE CONTRAR ENT OF THE	Y TO THE PUBL ZONING ORDIN	IC INTEREST	'AS EXPRESSED
	Carroll w	as opposed be	cause it is an in	rusion into CTH (C. See notes fro	m the
		Department.				
A VA	RIANCE MAY BE	GRANTED I	F ALL THESE	CONDITIONS AI	RE MET	
DECIS	SION: THE REQU	J ESTED VAR	IANCE IS GRA	NTED.		
Motio	n was made by Carr	oll to deny. M	otion did not rec	ceive a second, and	l motion was wi	thdrawn.
MOTI	ON: Weis		SECOND: Z	astrow	VOTE: 2-1	
CONI	DITIONS OF APPE	ROVAL/DEN	IAL:			
SIGNI	ED:				DATE:	04-09-2015
J. J. 11		VICE-CHAIR	PERSON			V. V. 2010

PETITION NO.:	2015 V1450
HEARING DATE:	04-09-2015
APPLICANT:	Frederick & Mary Benkert
PROPERTY OWNER:_	SAME
DADOEL (DINI 4)	040 0745 3744 000
PARCEL (PIN #):	010-0615-3611-000
TOWNSHIP:	Hebron
TOWNSTIIF.	Hebion
INTENT OF PETITION	NER: An after-the-fact variance to sanction the placement of a
40' x 50' detached agricul	
10 11 00 detaction agricus	turn off wetter
THE APPLICANT REQ	UESTS A VARIANCE FROM SECTION 11.04 (f)(6)
OF THE JEFFERSON O	COUNTY ZONING ORDINANCE.
THE FEATURES OF TI	HE PROPOSED CONSTRUCTION AND PROPERTY WHICH
RELATE TO THE GRA	NT OR DENIAL OF THE VARIANCE APPLICATION ARE:
On June 9, 2005, th	ne Jefferson County Board of Adjustment granted a variance for
	ecause it was being placed on a lot width less than 200 feet. A
	rmit was issued on June 14, 2005 showing the proposed structure
	property line. In 2012, the neighboring property owner submitted
	ot line showing the structure being over the neighbor's lot line
	pack is 20 feet in an A-1 zone. On February 23, 2013, the
	Department sent a violation letter to Mr. & Mrs. Bankert. The
	ning Department that legal action was forthcoming. On June 12
	ed in court regarding the setbacks and uses allowed in an A-
	answered questions from Judge Hue regarding variances. Judge
	e Jefferson County Board of Adjustment regarding the Bankert's
variance request. (See file)
	AONA DA CED ON CHEE INCODE CHIONE
	IONS BASED ON SITE INSPECTIONS: Site inspections
conducted. Obser	ved property layout & location.
DAOMO PRESENTANTO	
FACTS PRESENTED A	T PUBLIC HEARING: See tape, minutes & file.

Α.		BE GRANTED WHICI USE NOT PERMITTE			OF ALLOWING
В.	USE OF LAND OR PE	BE GRANTED WHICI OPERTY WHICH WO ULES:	ULD VIOLA		
C.	STRICT ENFORCEM UNNECESSARY HAR THE SPIRIT OF THE ACCOMPLISHED, &	BOVE LIMITATIONS, ENT OF THE TERMS DSHIP & WHERE A V ORDINANCE TO BE THE PUBLIC INTERE	OF THE OF	RDINANCE RESUL' N THE STANDARD O, SUBSTANTIAL JU OLATED.	I'S IN AN S WILL ALLOW
1.	OF THE TERMS OF PREVENT THE ON PURPOSE OR WOU UNNECESSARILY permitting and permit	ARDSHIP IS PRESE F THE ZONING OR WNER FROM USING ILD RENDER CONIC BURDENSOME BEG d wetland delineation boundaries were estal brrect.	DINANCE THE PROFORMITY CAUSE were not pr	WOULD UNREAS PERTY FOR A PE WITH SUCH REST due diligence at the racticed by governm	ONABLY RMITTED RICTIONS early stages of ent bodies.
2.	PROPERTY RATHI	DUE TO UNIQUE EER THAN THE CIRC tlands. The applicant	CUMSTAN	CES OF THE APPI	LICANT
		feel they met hardship County/NRCS did no ling site.			
3.	EXPRESSED BY TH BECAUSE the st	ILL BE CONTRARY IE PURPOSE AND I ructure has existed sin rovided settlement and	NTENT O	F THE ZONING O has no effect on pub	RDINANCE
	Weis felt this owners.	was caused by a serio	us conflict b	etween the individu	al property
*A VA	RIANCE MAY BE GI	RANTED IF ALL TH	ESE CONI	DITIONS ARE ME	<u> </u>
DECI	SION: THE REQUE	STED VARIANCE IS	GRANTEI	О.	
MOTI	ON: Carroll	SECOND:	Zastrow	VOTE: 2-1	
CONI	DITIONS OF APPRO	VAL/DENIAL:			
SIGNI	ED:VICE	-CHAIRPERSON		DATE:	04-09-2015

PETITION NO.:	2015 V1451
HEARING DATE:	04-09-2015
APPLICANT:	Philip & Deanna Battist
PROPERTY OWNER:	Battist Farms, Inc.
PARCEL (PIN #):	018-0713-0744-000
TOWNSHIP:	Lake Mills
INTENT OF PETITION	IER:To place a pool within the road setbacks of CTH B.
THE JEFFERSON COULTHE FEATURES OF THE RELATE TO THE GRANTHE DESCRIPTION OF THE PETITION OF T	UESTS A VARIANCE FROM SECTION 11.07(d) OF NTY ZONING ORDINANCE. HE PROPOSED CONSTRUCTION AND PROPERTY WHICH NT OR DENIAL OF THE VARIANCE APPLICATION ARE: ald like to place a pool at 93 feet from the centerline and 46 feet
the centerline and 50 feet farm. Where the pool is	County Highway B, whereas the required setback is 110 feet from the right-of-way. Currently there are two residences on the sproposed is next to W9352 County Highway B which was the of County Highway B, the farm consistence of approximately
	ONS BASED ON SITE INSPECTIONS: Site inspections wed property layout & location.
FACTS PRESENTED AT	T PUBLIC HEARING: See tape, minutes & file.

Α.				GRANTED WH FRICT A USE N			
B.	ALLO	OWING A	USE OF LA	GRANTED WH AND OR PROPI TIVE RULES: _	ERTY WHICH		
C.	WHE RESU STAN SUBS	ERE STRIC ULTS IN A NDARDS V	CT ENFOR IN UNNEC WILL ALLC		THE TERMS (OSHIP & WHE TOF THE OR	OF THE ORDI CRE A VARIAN DINANCE TO	NANCE
	BASI	ED ON TH	IE FINDIN	IGS OF FACT,	THE BOARD (CONCLUDES 7	ГНАТ:
1.	OF T PRE PUR	'HE TERM VENT TH POSE OR ' VECESSAR	IS OF THE E OWNER WOULD RI ILY BURD	E ZONING ORI FROM USING ENDER CONF ENSOME BEC	DINANCE WO THE PROPE ORMITY WIT AUSE <u>of th</u>	OULD UNREAS RTY FOR A PE H SUCH REST e underlying wa	RMITTED
2.	PRO	PERTY RA AUSE d due to th	ATHER TH of the farm one existing b	TO UNIQUE FOR THE CIRC Experations, it indicates the course placement and the circumstance of the circumst	UMSTANCES licates a site rer , septic and uti	OF THE APPI note from farm	LICANT activity. It is also
3.	EXP	RESSED B AUSE <u>i</u>	Y THE PU t's an above	OT BE CONTI RPOSE AND IN e-ground pool th public safety.	NTENT OF TI at may be easily	HE ZONING C	RDINANCE it's not an eyesore.
A VA	RIAN	CE MAV R	E GRANTI	ED IF ALL THI	ESE CONDITI	ONS ARE ME	Г
				VARIANCE IS		OT TO THE ME	<u>. </u>
MOTI		Carroll	QCLCTLD	SECOND:		VOTE: 3-0	
					Lasiiuw	VOIE: 3-0	
			PROVAL/I				
SIGN	ED:	•	VICE-CHA	IRPERSON		DATE:	04-09-2015

PETITION NO.:	2015 V1452	
HEARING DATE:	04-09-2015	
APPLICANT:	Wes Tennyson	
PROPERTY OWNER:	Wesley Tennyson & Steven Beilke	
PARCEL (PIN #):	020-0714-0432-001	
PARCEL (FIN #):	020-0714-0432-001	_
TOWNSHIP:	Milford	
	ER:To repair existing structure over 50% of the EAV and allow a structure within the floodway.	
THE JEFFERSON COULTHE FEATURES OF THE RELATE TO THE GRANTHE Petitioner woumembers and EAV. The Eat \$45,000. The northwest Crawfish River. The petitic structure. Once a floodplain floodplain provisions. Only must meet Section 14.3.3 or	JESTS A VARIANCE FROM SECTION 14.3.3 and 11.09 OF NTY FLOOD PLAIN AND ZONING ORDINANCE. JE PROPOSED CONSTRUCTION AND PROPERTY WHICH NT OR DENIAL OF THE VARIANCE APPLICATION ARE: 1d like to repair the existing structure over 50% of the structural AV of the structure is \$30,100 and the proposed work is estimated portion of the structure is currently in the floodway of the oner is not proposing any floodproofing, just repairing the in structure exceeds 50% of the EAV, it is required to meet all by water dependent structures are permitted in the floodway and of the floodplain ordinance. The first floor of the structure is about a portion of the foundation that is to be repaired is within the	<u>ed</u>
	ONS BASED ON SITE INSPECTIONS: Site inspections red property layout & location.	
FACTS PRESENTED AT	PUBLIC HEARING: See tape, minutes & file.	

A.				GRANTED WH 'RICT A USE N			
В.	ALL	OWING A	USE OF LA	GRANTED WH ND OR PROPI IVE RULES: _	ERTY WHICH	WOULD VIO	
C.	WHI RESU STAI SUBS	ERE STRIC ULTS IN A NDARDS V	CT ENFORO AN UNNEC WILL ALLO		THE TERMS (SHIP & WHE TOF THE OR	OF THE ORDI CRE A VARIAN DINANCE TO	NANCE
	BASI	ED ON TH	IE FINDIN	GS OF FACT, 7	HE BOARD (CONCLUDES '	ГНАТ:
1.	ENF UNR PER	FORCEME REASONAL MITTED L TRICTION	NT OF THI BLY PREVE PURPOSE C NS UNNECI		HE ZONING VER FROM US NDER CONF DENSOME F	ORDINANCE SING THE PRO ORMITY WIT	WOULD NOT OPERTY FOR A H SUCH
2.	PRO			OT DUE TO UI AN THE CIRC			TIONS OF THE LICANT
3.	EXP	RESSED E	Y THE PUI	E CONTRARY ' RPOSE AND IN a bad situation.	NTENT OF T		
*A VA	ARIAN	CE MAY E	E GRANTE	D IF ALL THE	ESE CONDITI	ONS ARE ME	<u> </u>
DECI	ISION:	THE RE	QUESTED V	VARIANCE IS	DENIED.		
MOT	ION:	Carroll		SECOND:	Zastrow	VOTE: 3-0	
CON	DITIO	NS OF AP	PROVAL/D	ENIAL:			
SIGN	ED:					DATE:	04-09-2015
			VICE-CHAI				